



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2009 REGULAR SESSION

HOUSE BILL NO. 333

AS ENACTED

FRIDAY, MARCH 13, 2009

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

AN ACT relating to the American Medical Association's "Guides to the Evaluation of Permanent Impairment" and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

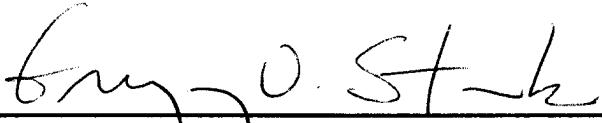
1 ➔Section 1. (1) The provisions of KRS 67A.460, 342.0011, 342.315,
2 342.316, 342.730, and 342.7305 requiring the usage of the latest edition of "Guides to the
3 Evaluation of Permanent Impairment," published by the American Medical Association,
4 to the contrary notwithstanding, until the normal effective date for legislation enacted
5 during the 2010 Regular Session of the Kentucky General Assembly, the fifth edition of
6 "Guides to the Evaluation of Permanent Impairment," published by the American Medical
7 Association, shall be utilized in lieu of any later edition of that work for the purposes of
8 those statutes.

9 (2) The executive director of the Office of Workers' Claims in the Department of
10 Labor shall study the feasibility and advisability of adopting the sixth edition of "Guides
11 to the Evaluation of Permanent Impairment," published by the American Medical
12 Association, or of retaining the usage of the fifth edition of that publication. In
13 conducting the study, the executive director shall seek the input of groups representing
14 labor, industry, commerce, and the medical and legal professions. The executive director
15 shall update and consult with the Interim Joint Committee on Labor and Industry on the
16 content and progress of the study when requested to do so by that committee, and shall
17 consider any recommendations of that committee or its members relating to the study.
18 The executive director shall submit to the Legislative Research Commission a report of
19 the executive director's findings by January 4, 2010.


20 (3) If, during the period of time between the effective date of this Act and the
21 effective date of legislation enacted during the 2010 Regular Session of the Kentucky
22 General Assembly, the executive director of the Office of Workers' Claims makes a
23 written finding that the welfare of Kentucky's workers would be materially enhanced by
24 the adoption of the sixth edition of "Guides to the Evaluation of Permanent Impairment,"

1 published by the American Medical Association, the executive director may by
2 administrative regulation require the utilization of the sixth edition of that publication,
3 notwithstanding the provisions of subsection (1) of this section. If the executive director
4 utilizes the authority granted by this subsection, the executive director shall,
5 contemporaneous with the promulgation of the administrative regulation, submit to the
6 Legislative Research Commission a written report detailing the factual and policy basis
7 for the executive director's action.

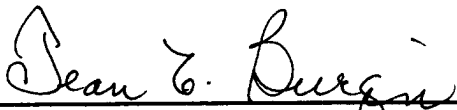
8 ➔Section 2. Whereas the protection of the welfare of Kentucky's working citizens
9 demands the careful and considered action of the government of the Commonwealth and
10 its agencies and instrumentalities, and the impending automatic adoption of differing
11 standards for permanent impairment without due consideration may lessen that
12 protection, an emergency is declared to exist, and this Act takes effect upon its passage
13 and approval by the Governor or upon its otherwise becoming a law.



Speaker House of Representatives



President of Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date March 24, 2009